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PTO/SB/31 (04-05)
Approved for use through 07/31/2006. OMB 0651-0031
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| NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES | | Docket Number (Optional) 101327-0126RCE | |
| In re Application of Edward L. Sinofsky and Lincoln S. Baxter | | | |
| Application Number 09/382,615-Conf. #5467 | | Filed August 25, 1999 | |
| For MANEUVERABLE OPTICAL FIBER DEVICE FOR CARDIAC PHOTOABLATION | | | |
| Art Unit 3735 | | Examiner D. M. Shay | |

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

☒ Pursuant to MPEP § 1204.01 Applicant reinstates the Notice of Appeal filed on March 30, 2005. Therefore, the fee is as shown:

\$ 0.00

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 141449.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

☐ applicant /inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record.

Registration number _____

☒ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. 28,711

Signature

Thomas J. Engellenner
Typed or printed name

(617) 439-2000

Telephone number

May 19, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

| | |
|---|-------------------------------------|
| Notice of Appeal | |
| I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. | |
| Dated: May 19, 2006 | Signature: (Thomas J. Engellenner) |

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05/23/2006 MAHED1 00000036 141449 09382615

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PTO/SB/17 (12-04v2)
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|---|---------------|--------------------------|------------------------|
| Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). | | Complete if Known | |
| FEE TRANSMITTAL For FY 2005 | | Application Number | 09/382,615-Conf. #5467 |
| | | Filing Date | August 25, 1999 |
| | | First Named Inventor | Edward L. Sinofsky |
| | | Examiner Name | D. M. Shay |
| | | Art Unit | 3735 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | Attorney Docket No. | 101327-0126RCE |
| TOTAL AMOUNT OF PAYMENT | (\$) 0 | | |

| | |
|---|--|
| METHOD OF PAYMENT (check all that apply) | |
| <input type="checkbox"/> Check | <input type="checkbox"/> Credit Card |
| <input type="checkbox"/> Money Order | <input type="checkbox"/> None |
| <input checked="" type="checkbox"/> Other (please identify): | Payment made with 3/30/05 NOA |
| <input type="checkbox"/> Deposit Account | Deposit Account Number: 141449 |
| | Deposit Account Name: Nutter McClennen & Fish LLP |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) | |
| <input type="checkbox"/> Charge fee(s) indicated below | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 | <input checked="" type="checkbox"/> Credit any overpayments |

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|---|--------------------|---------------------|---|---------------------|-------------------------|----------------------|-----------------------|
| FEE CALCULATION | | | | | | | |
| 1. BASIC FILING, SEARCH, AND EXAMINATION FEES | | | | | | | |
| | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | |
| | | Small Entity | | Small Entity | | Small Entity | |
| Application Type | Fee (\$) | Fee (\$) | Fee (\$) | Fee (\$) | Fee (\$) | Fee (\$) | Fees Paid (\$) |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |
| 2. EXCESS CLAIM FEES | | | | | | | |
| | | | | | | | Small Entity |
| Fee Description | | | | | | | Fee (\$) |
| Each claim over 20 (including Reissues) | | | | | | | 50 |
| Each independent claim over 3 (including Reissues) | | | | | | | 200 |
| Multiple dependent claims | | | | | | | 360 |
| Total Claims | | | | | | | |
| Extra Claims | | | | | | | |
| Fee (\$) | | | | | | | |
| Fee Paid (\$) | | | | | | | |
| Multiple Dependent Claims | | | | | | | |
| Fee (\$) | | | | | | | |
| Fee Paid (\$) | | | | | | | |
| Indep. Claims | | | | | | | |
| Extra Claims | | | | | | | |
| Fee (\$) | | | | | | | |
| Fee Paid (\$) | | | | | | | |
| 3. APPLICATION SIZE FEE | | | | | | | |
| If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | | | | | |
| Total Sheets | | Extra Sheets | Number of each additional 50 or fraction thereof | | Fee (\$) | Fee Paid (\$) | |
| - 100 = | | /50 | (round up to a whole number) x | | = | | |
| 4. OTHER FEE(S) | | | | | | | |
| Non-English Specification, \$130 fee (no small entity discount) | | | | | | | |
| Other (e.g., late filing surcharge): 1401 Notice of appeal | | | | | | | 0 |

| | | | |
|---------------------|-----------------------|-----------------------------------|----------------|
| SUBMITTED BY | | | |
| Signature | | Registration No. (Attorney/Agent) | 28,711 |
| Name (Print/Type) | Thomas J. Engellenner | Telephone | (617) 439-2000 |
| | | Date | May 19, 2006 |

| | |
|--|-------------------------------------|
| Fee Transmittal | |
| I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. | |
| Dated: May 19, 2006 | Signature: (Thomas J. Engellenner) |